

Docket No. 2024730-7013343001
269/106CON (99-137 US02)

REMARKS

37 CFR 1.121

Claim 32 is objected to for failure to indicate the amendments requested in a previous response to an Office Action. The Applicant apologizes for the oversight and herein provides a marked up claim 32 for the record in this matter.

REJECTIONS WITHDRAWN

The Applicant notes that the rejection of claims 32-35, 38-41, 44, 46 and 53-59 under USC 102(e) as being anticipated by Okada is withdrawn.

The Applicant also notes that the rejection of claims 32-41, 43, 44, 46 and 53-59 under USC 103(a) as being unpatentable over Okada in view of Cragg et al¹, Whalen et al, Cragg et al², Greff et al and Murayama et al. is withdrawn.

CLAIM OBJECTION

Claim 55 is objected to because the term "once" is misspelled as "one". The Applicant herein amends claim 55 to correct the typographical error.

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35 USC §112

Claims 32-41, 43, 44, 46, 53-57 and 59 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The Applicant respectfully disagrees, especially in view of the amendment presented herein. Claim 32 is amended to clarify the amount of polymer-forming, or dissolved polymeric, biodegradable material present in the system. This amendment should be entered in this matter in order to expedite allowance of this case, especially since this amendment complies with the Examiner's suggestion in the Final Office Action.

REQUEST FOR ALLOWANCE

Claims 32-41, 43, 44, 46, 53-57 and 59 are pending in this application, and the Applicant respectfully requests that the Examiner reconsider all of the claims in light of the arguments presented and allow all current and pending claims.

Respectfully submitted,
Bingham McCutchen, LLP

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By:

DTB
David T. Burse
Reg. No. 37,104

BINGHAM McCUTCHEN LLP
Three Embarcadero, Suite 1800
San Francisco, CA 94111-4067
(650) 849-4400